

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHAEL FRIEDMAN,)
INDIVIDUALLY AND ON BEHALF)
OF ALL OTHERS SIMILARLY)
SITUATED,)

Plaintiff,)

v.)

Case No. 08-cv-936-m

QUEST ENERGY PARTNERS, LP;)
QUEST ENERGY GP, LLC;)
QUEST RESOURCE CORPORATION;)
JERRY D.CASH; DAVID E. GROSE;)
DAVID C.LAWLER; GARY)
PITTMAN; MARK STANSBERRY;)
MURRELL, HALL, MCINTOSH &)
CO., PLLP; and EIDE BAILLEY LLP,)

Defendants.)

Judge Vicki Miles-LaGrange

DEFENDANT DAVID E. GROSE'S ANSWER

Defendant, David E. Grose ("Grose"), for his Answer to the Consolidated Complaint filed by the lead Plaintiffs, individually and on behalf of all others similarly situated ("Plaintiffs"), alleges and states as follows:

1. As to paragraphs 1-12 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the

allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

2. As to paragraphs 13-15 of Plaintiffs' Complaint, they state legal conclusions to which no response is required. To the extent an answer is required, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

3. As to paragraph 17 of Plaintiffs' Complaint, the subject matter of these accusations have been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in this paragraph of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in this paragraph of the Complaint should be deemed denied.

4. Grose admits, upon information and belief, the allegations in paragraphs 18-32 of Plaintiffs' Complaint.

5. As to paragraph 33 of Plaintiffs' Complaint, it states legal conclusions to which no response is required. To the extent an answer is required, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in this paragraph of the Complaint should be deemed denied.

6. As to paragraphs 34-38 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

7. As to paragraphs 39-54 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

8. As to paragraphs 55-57 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

9. As to paragraphs 58-64 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the

Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

10. As to paragraphs 65-71 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

11. As to paragraphs 72-78 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's

invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

12. As to paragraphs 79-90 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

13. As to paragraphs 91-118 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

14. As to paragraphs 119-135 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by

the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

15. As to paragraphs 136-148 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

16. As to paragraphs 149-168 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of

the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

17. As to paragraphs 169-175 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

18. As to paragraphs 176-177 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

19. As to paragraph 178 of Plaintiffs' Complaint, it states legal conclusions to which no response is required. To the extent an answer is required, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in this paragraph of the Complaint should be deemed denied.

20. As to paragraph 179 of Plaintiffs' Complaint, it states legal conclusions to which no response is required. To the extent an answer is required, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in this paragraph of the Complaint should be deemed denied.

21. As to paragraph 180 of Plaintiffs' Complaint, the subject matter of these accusations have been the basis for at least one grand jury investigation conducted by the

U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in this paragraph of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in this paragraph of the Complaint should be deemed denied.

22. As to paragraphs 181-197 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

23. As to paragraphs 198-204 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of

the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

24. As to paragraphs 205-214 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

25. As to paragraphs 215-218 of Plaintiffs' Complaint, the subject matter of these accusations has been the basis for at least one grand jury investigation conducted by the U.S. Attorney for the Western District of Oklahoma, and is the basis for an indictment in case number CR-09-191, currently pending before the United States District Court for the Western District of Oklahoma. Exercising his rights under the Fifth Amendment to the United States Constitution, Defendant Grose respectfully declines to answer any of the allegations in these paragraphs of the Complaint. As a result of Defendant Grose's invocation of his Fifth Amendment Privilege, the allegations in these paragraphs of the Complaint should be deemed denied.

Respectfully submitted,

/s/ James C. McMillin

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ATTORNEYS FOR DAVID E. GROSE

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of January 2010, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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